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**BEFORE THE STATE WATER  
RESOURCES CONTROL BOARD**

In the Matter of the State Water Resources )  
Control Board (State Water Board) )  
Hearing to consider Monterey Peninsula )  
Water Management District's (MPWMD) )  
Petitions to Change Permits 7130B and )  
20808 (Applications 11674B and 27614) )

Hearing Date: September 24, 2007  
Carmel River in Monterey County

**EXHIBIT HS-11**  
**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**  
**City of Seaside Conditional Use Permit #UP-06-18**

RESOLUTION No. 06-34

**A RESOLUTION OF THE SEASIDE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, ADOPTING CONDITIONAL USE PERMIT APPLICATION NO. UP-06-18 APPROVING THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT PHASE 1 AQUIFER STORAGE AND RECOVERY PROJECT.**

**WHEREAS**, the Monterey Peninsula Water Management District (MPWMD), Applicant, and the United States Army, Property Owner, have applied for a conditional use permit to construct a new injection/extraction well and related well facilities for the Phase 1 Aquifer Storage and Recovery Project on the former Fort Ord Lands east of Jim Moore Boulevard; and

**WHEREAS**, the Phase 1 ASR Project is comprised of a second injection well at the existing MPWMD Santa Margarita Test Injection Well (SMTIW) site along with a new pipeline section along General Jim Moore Boulevard to deliver water to the site, with a primary purpose to divert excess flows from the Carmel River Basin between December and May for injection into the Seaside Groundwater Basin, for later extraction in dry periods to help reduce pumping from the Carmel River and associated adverse environmental effects;

**WHEREAS**, the Board of Directors of the Monterey Peninsula Water Management District (MPWMD) has directed that its staff pursue aquifer storage and recovery (ASR) as a means to facilitate conjunctive use of local water resources for the benefit of the environment and the community;

**WHEREAS**, in coordination with the U.S. Army at Fort Ord and California American Water (Cal-Am), an EIR document has been prepared for the project; and

**WHEREAS**, the Draft EIR/EA was circulated for public review for at least 45 days from March 23 through May 8, 2006 with an extension provided until May 22, 2006, in compliance with the California Environmental Quality Act (CEQA);

**WHEREAS**, the MPWMD staff and consultants responded to each comment submitted, including meetings and additional data exchanges with key federal and state commenting agencies, and revised the text and Mitigation Monitoring Plan in the Final EIR/EA based on the comments received;

**WHEREAS**, responses to comments and revised Final EIR/EA text have been provided in a timely manner to each commenting public agency in compliance with CEQA;

**WHEREAS**, CEQA Findings have been prepared to support the certification of the Final EIR/EA; and

**WHEREAS**, a Mitigation Monitoring Plan has been prepared to identify measures to reduce Project impacts to a less than significant level and identify responsibility for mitigation measure implementation, monitoring and reporting; and

**WHEREAS**, the proposed project is a discretionary approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed addition at a duly noticed public hearing at public meeting held on October 11, 2006;

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby grants and issues Conditional Use Permit Application No. UP-06-18 to the MPWMD and United States Army based upon the following findings:

1. With the approval of a conditional use permit, the Phase 1 Aquifer Storage and Recovery Project will be consistent with the policies and standards of the 2004 Seaside General Plan.

Evidence: General Plan Land Use Goal LU-5: Collaborate with local and regional water suppliers to continue to provide quality water supply and treatment capacity to meet community needs.

Evidence: General Plan Land Use Policy LU-5.2: Work cooperatively with local and regional water suppliers to ensure adequate water reserves.

Evidence: General Plan Land Use Implementation Plan LU-5.2.1: Support the MPWMD in its plans for a water supply project that will:

- a. Supply water to meet the existing level of Cal-Am system production of 15,285 acre-feet per year as a short-term goal.
  - b. Augment the community water supply as a long-term goal.
2. The Phase 1 Aquifer Storage and Recovery Project will be consistent with the California Environmental Quality Act Guidelines.

Evidence: The Monterey Peninsula Water Management District, acting as the lead agency, has prepared an EIR document for this project pursuant to the provisions of the California Environmental Quality Act (CEQA).

Evidence: Mitigation measures *were* made a condition of the approval of the project. The mitigation measures adopted as part of the Final Environmental Impact Report will ensure that the project will not be detrimental to the health, safety, and general welfare of the neighboring residential properties and community at large.

THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission approves Conditional Use Permit Application No. UP-06-18 subject to the following terms and agreements:

1. Development shall proceed and be completed in substantial compliance with the project plans stamped "Received September 7, 2006, Seaside Community Development Department". The use of the injection/extraction well shall be strictly limited to the use only by MPWMD in accordance with the Final Environmental Impact Report and conditions of approval for Conditional Use Permit No. UP-06-18 for the proposed Phase 1 Aquifer Storage and Recovery Project and shall not be transferable to any other public agency or private interest without receiving approval from the City of Seaside. MPWMD shall be responsible for notifying the City of Seaside in the event the parameters or use of the well is modified or discontinued.

2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that they will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The applicant will reimburse the City for any court costs and attorney's fees which the City may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of City Counsel or concurrent with the issuance of permits, use of the property, whichever occurs first and as applicable. The City shall promptly notify the applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.
  
3. Prior to the issuance of a building permit, the Applicant must submit a noise control plan to the City Engineer for review approval that shall include the following requirements:
  - a. Well drilling activity and construction activity on well-related facilities shall be limited to between the hours of 7:00 AM and 7:00 PM during the week and 9:00 AM to 5:00 PM on weekends and holidays, except for any 24-hour period needed to install the well casing and gravel pack. Prior to beginning any construction on either a 24-hour period or beyond the hours specified above, the Applicant must notify the City Engineer and specify the day and hours the 24-hour drilling or extended hours of construction will occur.
  - b. The test pumping equipment for the injection/extraction well shall be equipped with sufficient sound muffling devices to ensure that a noise standard of 60db (exterior) or 45 db (interior) is maintained for the adjacent residential properties west of General Jim Moore Boulevard. The applicant understands and accepts that the City of Seaside may take appropriate actions, including continuous noise monitoring and/or a stop work for the test pumping operation, in the event that noise levels exceed the above standards or in response to justified and verified noise complaints. Additional conditions could be required to restrict well drilling, testing, and construction activities to reasonable hours.
  - c. A temporary sound wall shall be constructed on the north, south, and west sides of the new injection/extraction well and shall remain in place until the well casing has been completed. The specifications for the sound wall construction shall be submitted to the City Engineer for review and approval.
  - d. The brochure that would be used for the purpose of disseminating essential information to the adjoining residences about the project must be submitted to the City Engineer.
  - e. A complaint/response tracking program to monitor issues affecting the residential properties west of the project site must be submitted to the City Engineer. Prior to the issuance of a building permit, a letter shall be sent to all property owners that abut

General Jim Moore Road north of Mission Memorial Park Cemetery advising the owners about the construction process and shall provide the name and telephone number or electronic mail address of the MPWMD staff member to contact with complaints regarding construction noise.

4. Prior to the issuance of a Building Permit, the Applicant must submit a traffic control plan to the City Engineer to include the following measures:
- Through access for emergency vehicles must be provided at all times.
  - Access will be maintained for driveways and private roads entering and exiting the project site.
  - Adequate off-street parking for construction workers and MPWMD staff must be provided on-site. No parking within the General Jim Moore Boulevard right-of-way shall be permitted unless permission is granted by the Public Works Department based on specific construction needs associated with the project.
  - Pedestrian and bicycle access and circulation along General Jim Moore Boulevard must be maintained during construction. If construction activities encroached into a bike lane, warning signs shall be posted that indicate that bicycles and vehicles are sharing the roadway.
  - Lane closures (partial or entire), traffic controls, and construction materials on delivery will be restricted to between 9:00 AM and 4:00 PM on weekdays to avoid peak-hour traffic morning and evening commute hours.
  - Roadway segments or intersections that are at or approaching Level of Service standards that exceed local standards shall be identified. A plan shall be provided for construction-generated traffic to avoid these intersections at peak periods, either by traveling different routes or by traveling at non-peak hours.
  - Traffic controls on arterials and collectors must include flag persons wearing bright orange or red vests and using a "stop/slow" paddle to warn drivers.
  - Access to public transit shall be maintained, and movement of public transit vehicles shall not be impeded as a result of construction activities. Coordination with Monterey-Salinas Transit (MST) will be required regarding lane closures (partial or entire) that occur on bus routes and to provide notice of construction that could affect transit service routes so that MST can adjust routes or schedules. Adequate lead-time will need to be afforded to MST for developing temporary service changes due to construction and providing notice of changes to the public.
  - Construction warning signs shall be posted, in accordance with local standards or those set forth in the Manual on Uniform Control Devices in advance of the construction area and at any intersection that provides access to the construction area.
  - If lane closures occur, local municipal, state and federal fire and police departments shall be notified of construction locations and alternatives for evacuation and emergency routes must be designed to maintain response times during construction periods, if necessary.
  - Written notification shall be provided to appropriate contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites.
  - A sign shall be posted at all active construction sites. This sign shall provide the name and telephone number or electronic mail address of the MPWMD staff member to contact with complaints regarding construction traffic. The area of the sign shall be at least three feet by three feet.

**Exhibit "B"**

5. A "Type 1 Stabilized Construction Site Entrance/Exit" per the enclosure provided as Attachment 1 shall be installed at minimum depth of 15 feet beginning from the edge of the roadway at General Jim Moore Boulevard. MPWMD shall be responsible for removing any debris and dirt from the public roadway that is not retained on-site through the installation of the "Type 1 Stabilized Construction Site Entrance/Exit".
6. Prior to the issuance of a building permit, the applicant shall provide proof of a non-exclusive utility easement for the existing project and a Right-of-Entry for the expanded project site. The applicant shall be responsible for providing the legal description and "as built" drawings to the Corps of Engineers for a non-exclusive utility easement upon completion of the expanded project. This easement shall transfer with the land when the United States Army transfers the property to the City of Seaside as part of the conveyance process for the conversion of federal property to public use on the former Fort Ord Military Reservation.
7. Prior to the issuance of a building permit, MPWMD shall submit an application to the Board of Architectural Review for design approval of the perimeter fencing, landscaping, and accessory buildings.
8. The applicant shall comply with all requirements and obtain a permit from the Monterey County Health Department for the drilling and testing of water wells.
9. Prior to the issuance of a building permit, the applicant shall provide the Seaside Fire Department with a list of all hazardous materials that would be used during construction and maintenance of injection/extraction well and shall comply with the requirements for the transportation and storage of these materials as determined by the Seaside Fire Department.
10. The requirements of the Seaside Building Official as set forth by the Uniform Building Code shall be complied with related to securing the required construction permits for the injection/extraction well and related well facilities.
11. Once the well construction is completed, no scrap material or surplus parts shall be stored outside of the fencing that would be placed around the perimeter boundary of the project site.
12. This permit shall run with the land and may be revoked by the City of Seaside at any time for violation of the terms or conditions of this permit by the applicant, agents, or representatives of the applicant or their assignees in accordance with Section 17.70.090 of the Seaside Municipal Code.
13. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree to not deny or impede access to the subject property by the City employees in performance of their duties.
14. This permit shall become null and void if not signed and/or implemented within one year from the date of adoption of this Resolution.